

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:01-CR-130-01

v.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

SEAN CROMER,

Defendant,

_____ /

ORDER DENYING DEFENDANT'S MOTION IN LIMINE
TO SUPPRESS EVIDENCE RE FINGERPRINTS

Defendant filed a Motion to Suppress Fingerprint Evidence taken at the scene.

Defendant contends that the “methodology behind finger print identification is not scientifically reliable and therefore does not pass muster under the standards established by the Supreme Court in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).” Defendant’s Brief, April 21, 2006, Pp. 3-4. Defendant also contends that this type of expert evidence must be excluded under Federal Rule of Evidence 702, which requires testimony that “is the product of reliable principles and methods. . .”.

The Court concludes that Defendant has not put forth evidence that fingerprint identification is not scientifically reliable. The Court has presided over multiple trials where fingerprint evidence has been introduced based on the qualifications of the witness, and the testimony evidencing the reliability and scientific credibility of that evidence.

Although the United States Court of Appeals for the Sixth Circuit has not ruled on this issue, the United States Court of Appeals for the Third Circuit held in *United States v. Mitchell*,

365 F.3d 215, 219 (3d Cir. 2004), that latent fingerprint identification evidence expert testimony passes muster under *Daubert* and FRE 702.

This Court adopts the reasoning in *Mitchell*, and denies Defendant's Motion In Limine to Exclude the admission of such evidence at trial.

SO ORDERED.

DATED: May 23, 2006

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE